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# *Relief Processes - Exceptions*

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- Relief mechanisms in general
  - Rules aren't perfect
  - Administrative Processes
  - Exemptions (they still require review)
  - Exceptions
    - Similar to variances
    - Findings required
    - Notice required in some instances



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# *Why a change ?*

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- **Relief mechanism** for effective and efficient administration of rules, consistent and equitable application, but also an opportunity for relaxation of requirements
- **Initial program guidance**
  - Minimum necessary to afford relief
  - Reasonable and appropriate conditions
  - An appropriate process for their administration
- **Initial construct guidance**
  - Two-tiered process with findings
  - Dependence on the findings of a WQIA
- **Initial results - - - Multiple approaches**



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# *The Changes . . . . .*

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- FINDINGS are required for changes to:
  - the General Performance Standards (10-20-120)
  - the Development Criteria for the RPA (10-20-130)
- Findings are:
  - Minimum necessary to afford relief
  - Will not confer special privileges
  - Is in harmony with Part IV, not detrimental to WQ
  - Conditions are not self-created or self-imposed
  - Reasonable conditions are imposed
  - Others findings as required by the locality
- Other exceptions -- “minimum necessary”



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## *Changes . . . continued*

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- A public hearing is required for changes to:
  - The Development Criteria for the RPA (10-20-130)
- The decision re 10-20-130 must be made by:
  - The governing body, the planning commission, or a special body designated to carry out this function - - - - - [If the local program is entirely within the zoning code, then the BZA is the body unless other arrangements are made.]
- Additions
  - Findings rqr'd, no public hearing, admin process
  - Accessory structures still require the full process



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## *Your local solution . . . . .*

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- Depends upon:
  - What you have done in the past
  - Your plan of development review process,
  - Your character of development
- Who?
  - Governing body, PC, special body, administrator – all?
- When?
  - Early or a last step?



# *When must changes be made . .*

- March 1, 2003 . . . . .
  - For the the second “grandfather” period to be available, local provisions must be in place
  - Specifically reviewed and previously approved procedures remain valid to March 1, 2003
- Avoid exceptions - enforce the standards

